

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

93-cr-0180 (LAK)

EYAD ISMOIL,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

The movant, Ismoil, was convicted of multiple felony counts in connection with the first World Trade Center bombing and sentenced by Hon. Kevin T. Duffy principally to a term of imprisonment aggregating 240 years, 60 years of which were consecutive terms of 30 years on each of Counts 9 and 10, which charged Section 924(c) counts, that were added to another term on other counts that aggregated 180 years.¹

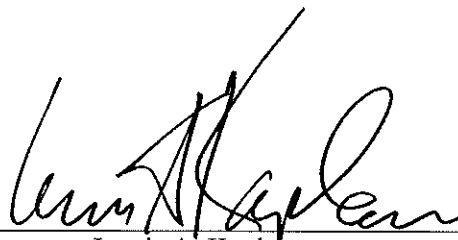
In 2016, Ismoil filed a Section 2255 motion challenging his convictions on Counts 9 and 10 on the basis of *Johnson v. United States*, 135 S. Ct. 2551 (2015), and *Welch v. United States*, 136 S. Ct. 1257 (2016). Ultimately, that motion was granted as to Count 10 and denied as to Count Nine. D.t. 941, 944.

Now before the Court is Ismoil's motion for the appointment of counsel for the purpose of considering and possibly bringing a motion for compassionate release. His application, however, suggests that he wishes again to attack part or all of his conviction.

Insofar as the motion seeks appointment of counsel for compassionate release, it is granted. Insofar as it seeks to mount another collateral attack on the conviction, it is denied because such an attack would be a second or successive application which this Court may not consider without leave of the Court of Appeals. Accordingly, the application in that respect is denied without prejudice to an application by Ismoil to the Court of Appeals for leave to file a new Section 2255 motion in this Court. The Clerk shall transfer Ismoil's application and a copy of this order to the Court of Appeals pursuant to *Liriano* so that the Court of Appeals may consider whether to grant such leave. The Clerk shall mail a copy of this order to the defendant.

SO ORDERED.

Dated: April 12, 2022



Lewis A. Kaplan
United States District Judge

¹ The aggregate term of imprisonment later was reduced to 210 years as a result of a partially successful § 2255 motion. *Infra.*